



FAQ's Executive Order 12721 : Non-Competitive Eligibility

The following information has been developed to familiarize Foreign Service family members, human resource officers (HROs), and hiring officials with the terms of Executive Order (E.O.) 12721. This information is important to family members because it explains how work performed in an overseas Mission can help them to gain employment with the Federal Government when residing in the United States. This information is important to hiring officials and HROs who are often called upon to interpret the executive order and to post human resource offices which may be asked to document waiver requests. This information is based on current Department of State policy on non-competitive status under the Order. Family members seeking employment with other Federal agencies should contact the human resource office of the advertising agency in order to determine that specific agency's interpretation and application of non-competitive status.

What is Executive Order 12721 Eligibility?

Executive order 12721 enables certain eligible family members (EFMs) to be appointed non-competitively to a career-conditional appointment in the Civil Service once they return to the U.S. Those individuals may be appointed to any Federal occupation and grade level for which qualified. Family members should be aware that once converted to Civil Service, they are no longer on Family Member Appointments. They must fulfill the same one-year time-in-grade requirements as any other career-conditional Civil Service employee in order to apply for higher graded positions within the Department of State.

Who is eligible?

To be eligible, an EFM must have completed **52 weeks of service in an appropriated fund position(s) performed under a local hire appointment(s) overseas. Work must be performed during the time the family member was accompanying a sponsor officially assigned to an overseas area and the EFM must have received a fully successful or better (or equivalent) performance rating.**

An individual must have been a family member at the time s/he met the overseas service requirement, but does not need to be a family member at the time of noncompetitive appointment in the United States. A family member is a spouse or unmarried child under the age of 23. Any law, Executive Order, or regulation that disqualifies an applicant for appointment in the competitive service also disqualifies the applicant for appointment under E.O. 12721.

What kind of work earns credit?

Creditable service may have been under more than one appointment and need not be continuous. If the individual is separated and subsequently re-employed (e.g., terminated in June and re-hired in September), the time spent off the agency's rolls does not count toward the 52 weeks. Leave without pay (LWOP) taken during the time an individual is in the overseas area, that does not exceed 6 months in any calendar year, is credited on the same basis as time worked. Regularly scheduled part-time work is credited as full-time service. Work performed under contract is not credited under this order.

What is the time limit for using the eligibility?

An individual is eligible for temporary, term, or career-conditional appointment(s) under E.O. 12721 for a period of 3 years following the date of return from overseas to the United States to resume residence. However, family members should understand that while they may invoke non-competitive status for temporary, term or other excepted service positions multiple times during the eligibility period, once they have been appointed to a career-conditional Civil Service position they cannot invoke their eligibility again. As stated earlier, once an individual is appointed into the competitive service, he/she must fulfill the qualification requirements (i.e., specialized experience, time in grade, etc.) before competing for other competitive service positions within the Department.

What about extensions?

An agency may extend an individual's appointment eligibility beyond 3 years for periods equivalent to the time the individual was accompanying a sponsor on official assignment to an area of the United States with no significant opportunities for Federal employment or the time an individual was incapacitated for employment.

Can you explain Executive Order Eligibility as it applies to the Family Member Appointment?

A family member appointment in and of itself does not convey executive order eligibility. An employee must serve in a qualifying position (either FMA or Temporary) for the requisite number of weeks (52) on the required minimum work schedule (16 hours per week) in order to attain eligibility.

Family members in INWS status who also have executive order eligibility may apply for those positions "limited to Department of State employees only" as well as those advertised for "status candidates and non-competitive eligibles."

Does time in INWS earn credit?

No. An individual in INWS receives no pay, benefits, or service credit. However, while the family member is in INWS, he/she remains on the rolls of the Department. This INWS status, coupled with EOE, enables the employee to apply for a broader range of advertised positions.

Are there service waivers?

Up to 26 weeks of the 52-week service requirement may be waived when the head of an agency (or designee) that employed the family member overseas certifies that the family member's expected 52 weeks of employment were cut short because of a non-personal situation that necessitated the relocation of the family member from the overseas area. The certification must include the number of weeks waived. For this purpose, a non-personal situation includes disaster, conflict, terrorism or the threat of terrorism, and those situations when a family member is forced to return to the United States because of military deployment, drawdowns, or other management-initiated actions.

How does an EFM use Executive Order 12721 when applying for Federal jobs?

Vacancy announcements state the **area of consideration** or who can apply. Executive order eligibles can apply for those positions which include status candidates and noncompetitive eligibles. Applicants must submit all paperwork requested on the announcement, attach a letter stating their eligibility, and include copies of personnel actions and performance appraisals that document their overseas experience. When applying for positions outside the Department of State, a copy of this announcement may be included in the application package to assist the hiring official. EFMs on Leave Without Pay (LWOP) from the Department of State or on a Family Member Appointment (FMA) in Intermittent No-Work-Scheduled (INWS) status, are considered current employees of the Department of State for hiring purposes, and may apply for vacancies limited to "Department of State Employees Only." EFMs should be aware that there are other categories of eligibility that compete with E.O. 12721, including preference for displaced government workers, known as Interagency Career Transition Assistance Plan (ICTAP) eligibles.

Reminder: Hand Carry All Employment Records

- Personnel Action forms (SF-50s)
- Resumes and sample cover letters
- Up-to-date copies of government applications
- Recent Earnings and Leave statements
- Performance Evaluation Reports
- Honors, awards, good performance citations
- Transcripts from colleges and universities
- Letters of recommendation
- Letters verifying community service
- Credentials, licenses, verifications for skills
- Writing samples
- Names and addresses of personal references
- Copies of security clearance forms
- Names of contacts for job search network
- Copy of transfer orders

Further Information

The complete text of Executive Order 12721 is found in **5 CFR part 315.608** as revised on January 1, 2006. EFMs applying for Federal jobs are welcome to contact the Family Liaison Office. Each applicant's situation is unique and it is useful to consult on current regulations.

THIS MATERIAL IS SPECIFIC TO FOREIGN SERVICE EMPLOYEES AND THEIR FAMILIES

Information provided by the Family Liaison Office

Contact the Family Liaison Office 7-12-2011